

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 4:11 CR 210-01
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
JOSE RIVERA,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh, regarding the change of plea hearing of Jose Rivera, which was referred to the Magistrate Judge with the consent of the parties.

On May 11, 2011, the government filed a one-count Indictment, charging Defendant, Jose Rivera, with Structuring International Monetary Transfers, in violation of Title 31 United States Code, Section 5324(c)(3) and (d)(1). Defendant Rivera was arraigned on May 27, 2011, and entered a plea of not guilty to Count 1, before Magistrate Judge George J. Limbert. On August 2, 2011, Magistrate Judge Kenneth S. McHargh, received Defendant Rivera's plea of guilty to Count 1, of the Indictment and issued a Report and Recommendation ("R&R")

concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Jose Rivera is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Rivera is adjudged guilty to Count 1 of the Indictment, in violation of Title 31 United States Code, Section 5324(c)(3) and (d)(1). This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on October 19, 2011, at 10:00 a.m. in Courtroom 19-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

CHIEF JUDGE

UNITED STATES DISTRICT COURT

September 8, 2011